IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.1050 OF 2004

AND

NOTICE OF MOTION NO.172 OF 2001

AND

NOTICE OF MOTION NO.933 OF 2002

IN

SUIT NO.4754 OF 2000

...

Smt.Asha D. Shivalkar & ors. ...Plaintiffs

v/s.

M/s.D.S.Kulkarni Developers Ltd. ...Defendants

...

Mr.J.M. D'silva for the Plaintiffs.

Mr.S.S.Sakhardande i/b C.D. Patwardhan for the Defendants.

...

CORAM: D.K.DESHMUKH, J.

DATED: 31ST JANUARY,2005

P.C.:

1. The learned Counsel for the Defendants states that without prejudice to their rights and contentions the Defendants are willing to deposit in this court an amount of Rs.10 lakh with interest at the rate of 9% p.a. from 29-1-1999 within a period of two weeks from today.

2. On the amount being deposited the Prothonotary & Sr.Master shall invest the amount in any nationalised bank in fixed deposit during the pendency of the

suit. The Defendants shall be at liberty to apply to the court for withdrawal of the whole or part of the amount deposited after issuing due notice to the Plaintiffs after Co.operative society of the occupants is registered.

3. By consent of parties, the Notice of Motion No.1050 of 2004 is also granted in terms of prayer clause (a). The learned Counsel appearing for the Defendants states that the Defendants will make all efforts to get the society registered as expeditiously as possible, in any case, within a period of six months from today. The learned Counsel appearing for the Plaintiffs states that the Plaintiffs will extend full co.operation to the Defendants in getting the society registered.

4. In view of this, on a motion made by the learned Counsel appearing for the Plaintiffs, Notice of Motion No.172 of 2001 is permitted to be withdrawn. As a result of which the order dated 5th March, 2002 passed of that Notice of Motion by this Court will also cease to operate. The learned Counsel appearing for both sides are agreed that as a result of this

order, Notice of Motion No.933 of 2002 does not survive for consideration and should be treated as disposed of.

5. Hence, all motions disposed of.

6. In case the amount is not deposited as directed above, Notice of Motion No.1050 of 2004, shall be treated as rejected and other parts of this order shall not come into force.

7. All concerned to act on ordinary copy of the order duly authenticated by the Associate/ Personal Secretary of the Court as a true copy.

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